



**MINUTES  
CITY COUNCIL MEETING  
January 5, 2021**

**CALL TO ORDER**

The meeting was called to order at 6:30 pm.

**Present:** Mayor: Charlie Miner; Council: Jahn Dyvik, Deirdre Kvale, Gina Joyce, and Mike Feldmann

**Staff Present:** City Administrator: Scott Weske; City Attorney: John Thames; City Clerk Jeanette Moeller

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**WELCOME TO NEW CITY COUNCIL MEMBERS – GINA JOYCE AND MIKE FELDMANN**

Mayor Miner welcomed new Council members Gina Joyce and Mike Feldmann and noted that they had taken their oaths of office and been sworn in by City Clerk Moeller earlier in the day.

**MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES**

Mayor Miner offered the following comments and updates:

He reported that there were no major updates to share from the last few weeks.

The Council met in a work session prior to the regular meeting, and the main topic on the agenda was an overview of the Long Lake Fire Department and discussion of a regional fire service district concept.

**APPROVE AGENDA**

*A motion was made by Dyvik, seconded by Miner, to approve the agenda as presented. Ayes: all by roll call.*

**CONSENT AGENDA**

- A. Approve Minutes of December 15, 2020 City Council Meeting
- B. Receive Unofficial Draft Minutes of December 15, 2020 EDA Meeting
- C. Receive Unofficial Draft Minutes of December 16, 2020 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Adopt Resolution No. 2021-01 Accepting a Donation to the Long Lake Fire Department in the Amount of \$497.50 to Purchase FLIR K2 Thermal Imaging Camera

*A motion was made by Dyvik, seconded by Joyce, to approve the Consent Agenda as presented. Ayes: all by roll call.*

**OPEN CORRESPONDENCE**

No one was in attendance to address the City Council during Open Correspondence.

## **BUSINESS ITEMS**

### **Approval of Amended Development Agreement, Amended Utility and Access Maintenance Agreement, and Amended Final Plat for Zvago Cooperative**

City Attorney Thames reviewed the history of the Zvago project, recalling that the City has already approved a Final Plat, Development Agreement, and Utility and Access Maintenance Agreement for the project. The developer has now asked the City to re-execute those same agreements in the name of the different development entities established specific to the Zvago Cooperative project. He explained that the 'Zvago Cooperative at Long Lake' will be the ownership entity and some of the development implementation will be done with the assistance of OneTwoOne Development. He stated that the only changes to content of the agreements are the names of the entities. He added that he'd noticed in his final review that the indemnification provision in paragraph 32 should be mutual and an obligation for both entities. He stated that he has not discussed this with Mr. Landhauser yet, but that is the one final revision that he would suggest be made. He asked for the Council to give him the authority to revise paragraph 32 to require indemnification from both entities and not just from the developer.

Council member Kvale commented that she wondered about the rationale for not holding OneTwoOne Development liable for financial responsibility for property damage, unsatisfactory condition, and street cleaning.

Thames suggested that those are items better tied to the owner. He noted that this was the preferred course for the developer and he did not find it objectionable.

Ben Landhauser, Lifestyle Communities, stated they have conveyed the property from Long Lake Holdings, LLC to Zvago Cooperative at Long Lake and explained that their partnership with Ecumen is in the OneTwoOne Development, LLC which also serves as the technical services agent or the developer.

Council member Dyvik asked if this is how Lifestyle Communities has handled other cooperative projects around the Twin Cities.

Mr. Landhauser confirmed that this is how they have all been handled.

Tim Nichols, Lifestyle Communities affirmed that this is exactly how they have established every one of the cooperative developments that they have been involved in. He stated that their obligation runs hand in glove with the development company and the development of the cooperative corporation.

Mr. Landhauser discussed the different layers of insurance that the project will have.

Council member Kvale asked about the meaning of Ecumen being listed as the "manager".

Mr. Landhauser explained that they own that entity and Lifestyle is a contractual partner with them through an agreement. He stated that he is an officer for OneTwoOne and is also on the interim board of the cooperative.

Council member Dyvik confirmed with Mr. Landhauser that the board will eventually be made up of cooperative owners.

*A motion was made by Dyvik, seconded by Miner, to approve the Amended Development Agreement between the City and Zvago Cooperative at Long Lake and OneTwoOne Development, LLC for the implementation of the project to plat and develop Lot 1, Block 1, Homewood Farm (the "Subject*

*Property”) and authorize the Mayor and City Administrator to execute the same, and authorize City Attorney to work with applicant on final agreement form to include final revisions subject to indemnification by both parties. Ayes: all by roll call.*

*A motion was made by Miner, seconded by Dyvik, to approve the Amended Utility and Access Maintenance Agreement between the City and Zvago Cooperative at Long Lake and authorize the Mayor and City Administrator to execute the same. Ayes: all by roll call.*

*A motion was made by Dyvik, seconded by Joyce, to approve the Amended Final Plat for the Subject Property with the only revision to the originally approved Final Plat reflecting Zvago Cooperative at Long Lake as owner of the Subject Property and authorize the Mayor and City Administrator to execute the same. Ayes: all by roll call.*

Council member Dyvik sought an update on how the project is progressing.

Mr. Nichols shared that there had been an inordinately high amount of traffic and interest before the holidays and they have not yet started their hard-core marketing push.

Mr. Landhauser added that there is already one unit sold, there have been seven other reservations, and they have had steady interest in the project just through word of mouth. He noted that this continued interest puts them on track for construction to begin in June or July of 2021.

Council member Dyvik asked how many units needed to be sold before construction would begin.

Mr. Landhauser responded that they need to have sold 60% of the units before construction will begin, which means 34 of the 57 units. He indicated that on the current trajectory, he expects to hit that threshold in April or May.

## **2021 City Appointments**

City Clerk Moeller provided an overview in of the list of appointments to be made for the coming year. Mayor and Council members discussed the varying positions to be filled, their availability to attend meetings, and agreed upon the appointments to be made for 2021.

Thames referred to the 2021 Appointments Worksheet and asked if the Council could change the name of the designated prosecuting attorney from ‘Bill Clelland’ to ‘David Ross’ because Mr. Clelland is now retired.

*A motion was made by by Dyvik, seconded by Joyce, to adopt the City of Long Lake 2021 Appointments Worksheet, as revised, including the following appointments:*

- *Council member Dyvik to the position of Mayor Pro-Tempore;*
- *Mayor Miner and Council member Dyvik to the Fire Advisory Committee, and Council member Joyce as alternate;*
- *Council member Joyce as the Park Board Liaison;*
- *Council member Feldmann as the Planning Commission Liaison, and Council member Kvale as alternate;*
- *Council member Kvale as the Chamber of Commerce Liaison;*

- *Council member Feldmann as the Long Lake Waters Association Liaison;*
- *Council member Kvale to the Lake Minnetonka Communications Commission;*
- *Mayor Miner and Council member Dyvik to the Highway 12 Safety Coalition; and*
- *Mayor Miner as the Wayzata Crime Prevention Coalition Liaison.*

*Ayes: all by roll call.*

### **Special Event Permit Request for Sled Dog Sundays at Birch's on the Lake**

Moeller gave an overview of the Special Event Permit application that was submitted by Birch's on the Lake for Sled Dog Sundays. She commended them for applying for the required permit this year because they have not always done so in past years. The proposed dates for Sled Dog Sundays are January 17, 24, and 31 and February 14, 21, and 28. She reviewed the proposed conditions of event permit approval as listed in the staff report.

*A motion was made by Dyvik, seconded by Kvale, to adopt Resolution No. 2021-02 approving issuance of Special Event Permit #S2021-01 for Sled Dog Sundays at Birch's on the Lake to be held January 17, 24, and 31, as well as February 14, 21, and 28, 2021; and to authorize the Hennepin County Sheriff's Office Water Patrol Unit to permit the event. Ayes: all by roll call.*

### **OTHER BUSINESS**

**League of MN Cities Newly Elected Officials Training** - Mayor Miner asked if the training for new Council members through the League of Minnesota Cities would be occurring as usual. City Administrator Weske responded that he believes the training is still being offered, but it may be in an online format and an in-person conference may have been pushed to the summer. He indicated that he would check on the details tomorrow and send an update to the Council.

**Charles Cudd Properties** - Council member Dyvik had noticed that a foundation was being installed for one of the Charles Cudd properties and asked if there was any update. Moeller replied that two of the building permits for that project have been issued and the third application is still pending as the contractor is reviewing floor plans with their client. She anticipated the third permit application will be coming soon. She noted that January has already been a busy month with regard to permitting.

**Fire Chief Updates** - Fire Chief Van Eyll reported that the fire department had a busy New Year's morning and responded to two calls, including a chimney fire at a residence. He noted that firefighters started to receive COVID-19 vaccines last week. He also indicated that he had attended a meeting earlier in the day regarding upcoming Highway 12 safety improvement projects and noted that the road from County Road 6 to Baker Park will be closed starting in May for 120 days. Along with the thru-traffic closure there will be a closure at Highway 12 and County Road 90 for the construction of a roundabout at that intersection.

### **ADJOURN**

*Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:00 pm.*

Respectfully submitted,

Scott Weske  
City Administrator